

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

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|---------------------------------|---|---------------------------|
| DONALD EMERY, THE DOG HOUSE BAR |) | C/A No. 4:08-cv-03351-TLW |
| & GRILL, INC., et al., |) | |
| Plaintiffs, |) | |
| vs. |) | |
| |) | |
| THE CITY OF MYRTLE BEACH, a |) | MYRTLE BEACH'S RETURN TO |
| corporation, |) | PLAINTIFFS' MOTION FOR |
| |) | TEMPORARY INJUNCTION |
| Defendant. |) | |
| |) | |

Defendant City of Myrtle Beach, responding to the Plaintiff's Motion for a Temporary Injunction, respectfully requests that the Court deny Plaintiffs' Motion for a Temporary Injunction for the reasons set forth in the City's Memorandum Opposing Plaintiffs' Motion for Temporary Injunction. The Return is supported by the affidavits and Declarations of Tom Leath Warren Gall, Robert Leak, John Springs, John Weaver, Joyce Harris, Henry E. Pearce, Phil Vassar and Tom Rice filed in the case of Shank, et. al. v. City of Myrtle Beach 4:08-cv-03370-TLW. In addition, the Return is supported by the Affidavit of Richard Shoe filed in the Court of Common Pleas for Horry County, O'Day, et. al. v. City of Myrtle Beach CA # 08-CP-26-7815 (a copy is attached hereto).

/s Cynthia Graham Howe /s Michael W. Battle
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